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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,931	01/05/2001	Randall S. Nuss	4848P002	3871

7590 03/24/2005

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EXAMINER

PILLAI, NAMITHA

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/755,931

Applicant(s)

NUSS ET AL.

Examiner

Namitha Pillai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/01, 2/02, 1/02</u> . | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-34 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U. S.

Patent No. 6, 249, 810 B1 (Kiraly).

Referring to claim 1, Kiraly discloses a dedicated internet radio device including, a display to display a currently selected one of a plurality of virtual frequency identifiers in a fixed number of display positions (Figure 9). Kiraly discloses a memory to store the plurality of virtual frequency identifiers, each of the plurality of virtual frequency identifiers including a fixed number of fields that encode with all integer value a different identifying attribute of internet radio stations, wherein the sizes of at least some of the fields vary between different ones of the plurality of virtual frequency identifiers (Figure 5B and column 10, lines 1-14). Kiraly discloses a selector and a processor coupled to the display, the memory, and the selector (column 6, lines 60-67 and column 7, lines 1-7) to select different ones of the plurality of virtual frequency identifiers as the currently selected virtual frequency identifier (column 3, lines 12-20).

Referring to claims 2, 12 and 26, Kiraly discloses that each of the fields is independently alterable to perform the selection (column 3, lines 44-48).

Referring to claims 3, 27 and 30, Kiraly discloses that the fixed number of fields includes a region code field and a format code field that respectively encode different geographic regions and different radio station formats, and wherein the fixed number of fields also includes a station code field that encodes different internet radio stations within each of the different geographic regions and radio station formats (column 10, lines 1-35).

Referring to claims 4 and 31, Kiraly discloses that the display includes a first line to display the currently selected virtual frequency identifier and one of the name of the geographic region, the name of the radio station format or radio station identification information of the currently selected virtual frequency identifier (Figure 11).

Referring to claims 5 and 20, Kiraly discloses each of the fields of currently selected virtual frequency identifiers is independently changeable to perform the selection and display to display the one of the name of the geographic region, the name of the radio station format, and the radio station identification information of the field currently selected for changing (column 17, lines 15-35 and Figure 11).

Referring to claims 6, 21 and 33, Kiraly discloses selectively display one of a location name and a radio station description of the radio station identified by the currently selected virtual frequency identifier (Figure 11).

Referring to claims 7, 22 and 34, Kiraly discloses that the display includes a second line to display one of an artist name and a song title of the currently playing song (Figure 11).

Referring to claims 8 and 24, Kiraly discloses that the display is a non-graphical alphanumeric display (Figure 11).

Referring to claim 9, Kiraly discloses a dedicated internet radio device including, a display to display a currently selected one of a plurality virtual frequency identifiers in a fixed number of display positions (Figure 9). Kiraly discloses a database to store the plurality of virtual frequency identifiers each including a region code field, a format code field, and a station code field that collectively fit within the fixed number, and wherein the size of the fields vary between certain ones of the plurality of virtual frequency identifiers (Figure 5B and column 10, lines 5-35). Kiraly discloses a selector and a processor coupled to the display, the database, and the selector (column 6, lines 60-67 and column 7, lines 1-7) to select different ones of the plurality of virtual frequencies as the currently selected virtual frequency identifier (column 3, lines 12-20).

Referring to claim 10, Kiraly discloses that the different ones of the plurality of virtual frequency identifiers have different sizes of the fields but total field contents of any given one of the plurality of virtual frequency identifiers does not exceed the fixed number of display positions (Figure 5B).

Referring to claim 11, Kiraly discloses that the contents of the region code field drives the size of the fields (Figure 11).

Referring to claim 13, Kiraly discloses that the contents of the region field for different ones of the plurality of virtual frequencies identifies are on a per country basis (column 10, lines 23-27).

Referring to claim 14, Kiraly discloses that the device further comprises names of the countries, wherein the display is also to display the name of the country corresponding to the

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currently selected virtual frequency identifier when the region code is being changed as part of the selection (Figure 11).

Referring to claim 15, Kiraly discloses names of a plurality of predefined radio station formats, wherein the contents of format code fields identify different ones of the plurality of predefined radio station formats and wherein the display is also to display the name of the radio station format corresponding to the currently selected virtual frequency identifier when the format code is being changed as part of the selection (Figures 5B, 11 and column 17, lines 15-35).

Referring to claim 16, Kiraly discloses radio station identification information of radio stations, wherein the contents of the station code fields identify different radio stations and wherein the display is also to display the radio station identification information for the radio station corresponding to the currently selected virtual frequency identifier when the station code is being changed as part of the selection (Figures 5B, 11 and column 17, lines 15-35).

Referring to claim 17, Kiraly discloses names of countries and names of a plurality of predefined radio station formats, the contents of the region field for different ones of the plurality of virtual frequencies identify different ones of the countries, the contents of the format code fields identify different ones of the plurality of predefined radio station formats and wherein the display is also to display the name of the country corresponding to the currently selected virtual frequency identifier when the region code is being changed as part of the selection, the display is also to display the name of the radio station format corresponding to the currently selected virtual frequency identifier when the format code is being changed as part of the selection (Figures 5B, 11 and column 17, lines 15-35).

Referring to claim 18, Kiraly discloses that the region code field and the format code field respectively encode different geographic regions and different radio station formats and wherein the station code field encodes different internet radio stations within each of the different geographic regions and radio station formats (column 17, lines 15-35).

Referring to claim 19, Kiraly discloses that the display includes a first line to display the currently selected virtual frequency identifier and one of the name of the geographic region, the name of the radio station format, or radio station identification information of the currently selected virtual frequency identifier (Figure 11).

Referring to claim 23, Kiraly discloses that the plurality of virtual frequency identifiers are integers (Figure 11).

Referring to claim 25, Kiraly discloses a processor to be coupled to a display and a selector to select different ones of a plurality of virtual frequency identifiers as a currently selected virtual frequency identifier (column 3, lines 12-20), each of the plurality of virtual frequency identifiers including a fixed number of fields that encode with an integer value a different identifying attribute of internet radio stations, wherein the sizes of at least some of the fields vary between different ones of the plurality of virtual frequency identifiers (column 3, lines 12-20) but all of the plurality of virtual frequency identifiers can individually be displayed with the same number of integer digits (Figure 11). Kiraly discloses a storage device, coupled to the processor, to store one or more streaming audio players and a table of one or more mappings of the plurality of virtual frequency identifiers to URLs (column 3, lines 12-20) and an internet network interface, coupled to the processor, to transmit and receive data via the internet (Figure 11).

Referring to claim 28, Kiraly responsive to input, selecting one of a plurality of virtual frequency identifiers as a currently selected virtual frequency identifier (column 3, lines 12-20), each of the plurality of virtual frequency identifiers including a fixed number of fields that encode with an integer value a different identifying attributes of internet radio stations, wherein the sizes of at least some of said fields vary between different ones of the plurality of virtual frequency identifiers (column 3, lines 12-20) but each of the plurality of virtual frequency identifiers can be displayed within the same number of digits, displaying the currently selected virtual frequency identifier (Figure 11). Kiraly discloses accessing a corresponding URL, for the currently selected virtual frequency identifier and playing an audio stream from the URL (column 10, lines 10-17).

Referring to claim 29, Kiraly discloses independently altering at least one of the fields (column 17, lines 15-35).

Referring to claim 32, Kiraly discloses that each of the fields of the currently selected virtual frequency identifiers is independently changeable to perform the selection (Figure 11 and column 3, lines 12-20). Kiraly discloses displaying includes displaying on a first line of a display the one of the name of the geographic region, the name of the radio station format and the ration station identification information of the field currently selected for changing (Figure 11 and column 17, lines 15-35).

### ***Conclusion***

2. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider



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these references fully when responding to this action. The documents cited therein teach the method for displaying media data.

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington D.C. 20231. If applicant desires to fax a response, central FAX number (703) 872-9306 may be used. NOTE: A Request for Continuation (Rule 60 or 62) cannot be faxed.

Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document. Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namitha Pillai whose telephone number is (571) 272-4054. The examiner can normally be reached on 8:30 AM - 5:30 PM.

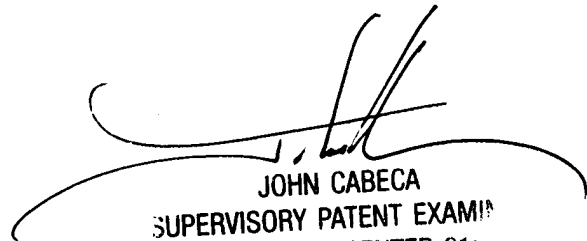
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Namitha Pillai  
Assistant Examiner  
Art Unit 2173  
March 15, 2005



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